REMARKS

In response to the final Official Action of November 20, 2007, claim 30 has been cancelled and claim 41 amended to incorporate the features of now cancelled claim 30, from which claim 41 previously depended. Entry of this amendment is proper since no new issues are raised by this claim amendment. After said amendment, claims 1-14, 18-29 and 31-43 are pending in this application.

Claim Rejections - 35 USC §102

At section 3, claims 30, 34, and 41 are rejected under 35 USC §102(b) as anticipated in view of US patent application publication 2002/0105954, Craig, et al. Claim 30 has been cancelled and claim 41 has been amended so as to be presented in independent form, including the features of now cancelled claim 30.

Applicant wishes to make clear what the term "communication party" means as used in claim 34. It is recited in claim 34 that the computer program when executed by said communicating device is for receiving address information for reaching another "communicating party" substantially directly from said another "communicating party". Figures 2 and 3 and the accompanying description in the specification, including page 12, line 11 through page 13, line 2, make clear what the term "communicating party" means.

It is there clearly seen that mobile phones 201 and 202, server 203, Personal Digital Assistant (PDA) 205, and Personal Computer (PC) 204 are all referred to as communicating parties where such parties are either sending or receiving communications from other communicating parties and are not intermediate nodes through which such communications pass as distinguished from network address translation devices 207, 209, 212, 218 and 220, as well as firewall and network address translation device 215.

Thus, claim 34 recites a computer readable medium embodying a computer program executable in a communicating device, the computer program when executed by said communicating device for receiving address information for reaching another

communicating party substantially directly from said another communicating party. For the reasons presented below, Craig fails to anticipate claim 34.

In particular, Craig is directed to a dynamic update proxy for maintaining an address of a dynamically address router in a network. The system disclosed therein includes a proxy residing at a Domain Name Server (DNS) and an update message generator residing at each server connected to a dynamically addressed router. In accordance with the method disclosed, an update message is created by the update message generator residing on the server, where the source address of the update message is an address of the server. The source address of the update message is translated to a current address of the dynamically addressed router, and the update message is sent to a proxy residing on the DNS and the proxy on the DNS updates an address of the dynamically addressed router stored in the DNS with the source address of the update message (Craig, Abstract, Figures 4, 5, and 6, and paragraphs [0013]-[0017]).

Thus, what the Office recites in Craig as a communicating device/computer program is not a "communicating party" as that term is used in claim 34. In particular, it is noted in the Response to Arguments section of the final Office Action at section 10, the Office asserts that an update message generator residing on a server is interpreted as a "communicating party". Although a server does communicate, it is respectfully submitted that it is not a "communicating party" as disclosed and claimed in claim 34.

As has been established in *Phillips v. AWH Corporation, 415 F.3d 1303, 1326, 75 USPQ 2d 1321 (Fed. Cir. 2005)*, claim terms are to be given a meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention; that is, as of the effective filing date of the patent application; and: "[i]mportantly, the person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification."

Clearly, the term "communicating party" is shown in the figures and described in the specification as parties, including mobile phones 201 and 202, server 203, personal computer 204, and personal digital assistant 205, that either generate or receive

communications, but do not further forward communications. This is to be distinguished from intermediate nodes/devices, such as network address translators, name servers, and firewalls, wherein communications pass through (typically with some modification) said nodes/devices for ultimate destination at a communicating party.

It is therefore clear that the domain name server 402 shown in Figure 4 of Craig is not a communicating party as that term is described and used in the present application and thus the purpose of Craig of updating the address of the dynamically addressed router 110 based upon an update message sent from the dynamically addressed router to the domain name server so as to update by a proxy an address of the dynamically addressed router is completely unlike receiving address information for reaching another communicating party substantially directly from another said communicating party. The devices, including the domain name server and the dynamically addressed router in Craig are not and do not suggest such communicating parties as described in the present application and as claimed in claim 34.

Thus, the meaning of "communication party" as used in the present application also addresses the issue raised at section 11 of the Office Action in the Response to Arguments section, wherein the Office asserts that a DNS is "another communicating party". It is not another communicating party as that term is defined in the present application.

Furthermore, with regard to the comments made by the Office at section 10, it is asserted in response to applicant's previous remarks regarding applicant's assertion that Craig is silent concerning receiving address information directly from another communicating party, the Office asserts that "the update message generator residing on the server, which is interpreted as a communicating party, sends an update message to the dynamically addressed router, which is interpreted as a communicating device". Aside from the fact that such devices are not communicating parties as that term is disclosed and used in the claims of the present application, including claim 34, the server or the terminal of Craig is not dynamically addressed (see Figure 4), but only the dynamically addressed router is dynamically addressed. Therefore, the update message discussed in Craig sent by the server does not inform the dynamically

addressed router of a new address of the server (that is, a communicating party). The update message is used for informing a DNS of a new address of the dynamically addressed router such that the router replaces the original source address of the message (that is, the server's address) by the router's new address before forwarding the update message to the DNS. Thus, Craig does not disclose receiving address information for reaching another communicating party substantially directly from said another communicating party.

Furthermore, in section 7, the Office asserts that Craig discloses a terminal with a dynamically varying public address that can be reached from outside the terminal's communication network by means of the public address. The Office thereby interprets Craig's dynamically addressed router as a terminal and that the router can be reached "from outside of the Internet". However, Craig only discloses "the Internet", and does not disclose any other network outside of the Internet. Furthermore, according to Craig as set forth at paragraph [0002], a server and a client communicate through the Internet via a dynamically addressed router. Thus, Craig's router cannot be regarded as a terminal or a communicating party in the sense of the claimed subject matter of claim 34. Furthermore, as noted above, Craig's communicating parties are not dynamically addressed. Further, it is noted in section 7 that the Office changes the terminal to be the DNS (see page 4, last full paragraph of the final Official Action).

For all of the foregoing reasons, it is therefore respectfully submitted that claim 34 is not anticipated by Craig.

Independent communicating party claim 41 has been amended to incorporate the features of now cancelled claim 30. Claim 41 is believed to be not anticipated by Craig for the reasons presented above concerning claim 34.

Claim Rejections - 35 USC §103

At section 7, claims 1-14, 18, 19, 21-29, 31-33, 35-40, 42 and 43 are rejected under 35 USC §103 as unpatentable over Craig.[1]

With respect to claim 1, it is asserted by the Office that Figure 4 of Craig shows a communication network, as well as the actions recited in claim 1, but that Craig does not describe a wireless communication network. It is further asserted that it is well-known in the art at the time of the invention to implement a wireless communication network and therefore the Office asserts that it would be obvious to a person of ordinary skill in the art at the time of the invention to implement a wireless communication network into the system for maintaining an address for a dynamically addressed router of Craig with the motivation being for implementing a wireless communication network so as to provide free roaming.

Regardless of the soundness of the motivation recited by the Office, and in view of the recent decision by the Supreme Court in KSR International v. Teleflex Inc, 550 US ___ (2007), it is nevertheless respectfully submitted that Craig does not suggest the actions recited in claim 1.

In particular, claim 1 particularly points out and claims that the dynamically notifying substantially directly at least one other communicating party of a current public address of a wireless terminal is with respect to a "communicating party" as defined in the specification (see above discussion with respect to claim 34). Such a communicating party is clearly not a domain name server nor a dynamically addressed router as disclosed in Craig. It is clear in Craig that the dynamically addressed router

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[1] Claim 35 is grouped with independent claims 1, 22, 25, 32, and 43 by the Office at pages 4-5 of the final Official Action. Claim 35 is directed to a method of providing address information for reaching a wireless terminal where the wireless terminal is reachable from outside of a first wireless communication network by means of a varying public address and wherein the wireless terminal is registered to an external name server by means of identification information associated with the wireless terminal. The features of method claim 35 are therefore not the same as the features recited in independent claims 1, 22, 25, 32, and 43 and therefore the rejection of claim 35 at pages 4 and 5 is believed to be incorrectly stated by the Office. Rather, it is submitted that claim 35 should have been grouped with the rejection of claims 13, 23, 29, and 33 as set forth at pages 5-7 of the final Official Action. The comments concerning the rejection of claims 13, 23, 29, and 33 are believed to be equally applicable with regard to overcoming the rejection of claim 35.

110 (Fig. 4) is an intermediate node and thus acts in the manner normally associated with dynamically addressed routers well-known in the art. It is through such a router that a terminal and a server would communicate with each other. In fact, the communicating parties (as this term is defined in the present application), such as client 114 and servers 102 and 104 in Craig, are not dynamically addressed and do not inform each other of any address change associated with themselves. Neither Craig nor the general state of the art at the time of the present invention disclose or suggest that a router or a domain name server as shown in Craig or as generally used would be regarded as a "communicating party" as disclosed in the present application.

Furthermore, Craig does not disclose or suggest any wireless terminal which is reachable from outside of a first wireless communication network by means of said varying public address as defined in the present application and as recited in claim 1.

For all of the foregoing reasons, it is respectfully submitted that claim 1 is not suggested by Craig.

Independent system claim 22, independent wireless terminal claim 25, independent computer readable medium claim 32, and independent wireless terminal claim 43 all recite "communicating party" as defined in the present application and, for similar reasons as presented with respect to claim 1, each of these independent claims is also believed to be distinguished over Craig.

At pages 5-7 of the Official Action, claims 13, 23, 29, and 33^2 are rejected as being suggested by Craig. It is asserted that Craig shows in Figure 4 and paragraphs [0014]-[0017] the features of claim 13, including maintaining a current public address in an external name server in association with identification information, wherein the identification information is associated with the wireless terminal, and further reciting the action of conditionally giving out said current public address from said external name server according to conditions given in profile information associated with said identification information, so that the address information for reaching said wireless terminal is conditionally obtainable from said external name server by means of said identification information.

In response to section 12 of the Response to Arguments portion of the final Official Action, the Office disagrees with the comments made at page 5 of applicant's previous response and, in particular, the Office contends that Craig discloses that the DNS gives out the IP address of the dynamically addressed router on a conditional basis in view of the IP address being given to a component not connected to the dynamically address router (citing Craig at paragraph [0018], lines 4-9). The recited portion of paragraph [0018] merely states that a component such as client 104 shown in Figures 7 and 8, if the client wishes to send a message to a server connected to the dynamically addressed router, first obtains the IP address of the dynamically addressed router from the DNS. There is nothing indicated that such an address is given out conditionally to such components, but rather it is apparent from Craig that any component wishing to obtain the address of the dynamically addressed router simply requests same from the DNS. Consequently, applicant continues to maintain that Craig does not disclose or suggest conditionally giving out the current public address from an external name server according to conditions given in profile information associated with identification information which in turn is associated with a wireless terminal so that address information for reaching said wireless terminal is conditionally obtainable from said external name server by means of said identification information.

As noted above with regard to the rejection of claim 1, as well as the arguments with regard to overcoming the anticipation rejection of claims 34 and 41, Craig is directed to a system that includes a proxy residing at a Domain Name Server, as well as an update message generator residing at each server connected to a dynamically addressed router. The method disclosed in Craig is directed to creating an update message by the update message generator residing on the server, where the source address of the update message is an address of the server, translating the source address of the update message to a current address of the dynamically addressed router, sending the update message to the proxy residing on the DNS, and updating by the proxy an address of the dynamically addressed router stored in the DNS with the source address of the update message.

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[2] As noted above in footnote 1, claim 35 should have been included with this grouping of claims.

The Office asserts at page 6 that Craig teaches "maintaining the current public address in the external name server in association with the identification information" (citing paragraphs [0014]-[0017]) and specifically stating that the IP address of the dynamically addressed router is sent to the DNS and maintained at the DNS). However, there is no disclosure or suggestion in Craig of a wireless terminal registered by means of an identification information associated with the wireless terminal. A dynamically addressed router is not a wireless terminal as set forth in claim 13 and furthermore the update message sent from the dynamically addressed router in Craig to the DNS does not contain identification information associated with a wireless terminal as that phrase is used in the claims and specification of the present application.

In particular, it is clear that the action of conditionally giving out said current public address from said external name server according to conditions given in profile information associated with said identification information, is not in any way disclosed or suggested in Craig. Such profile information is discussed in the application as filed, including page 15, lines 10-21, where various types of profiles are described, such as a "busy" profile resulting in denying the sending of address information to a news push server in the Internet. The advantages of the present invention as recited in claim 13 are made evident in the recited passage in the specification, wherein it is made clear in the example given that depending upon the profile associated with the identification information, different communicating parties will be provided with the current public address of the wireless terminal.

Craig is completely silent about such profile information associated with identification information of a wireless terminal.

In summary, the dynamically addressed router in Craig is not a wireless terminal, nor analogous to a wireless terminal as set forth in claim 13 concerning a method of providing address information for reaching a wireless terminal. Furthermore, the communicating parties as shown in Craig, such as the client 104 and server 404, are not dynamically addressed and do not inform the other party of an address change. Furthermore, Craig does not disclose or suggest any condition by which a DNS gives

out IP address information, but only a condition for requesting an address from the DNS.

Finally, Craig does not disclose any network outside the Internet as distinguished from claim 13, wherein the wireless terminal is coupled to a first wireless communication network and wherein the conditionally giving out the public address concerning the wireless terminal from the external name server according to conditions given in profile information associated with identification information of the wireless terminal is not restricted to said first wireless communication network.

For all of the foregoing reasons, it is therefore respectfully requested that claim 13 is distinguished over the cited art.

For similar reasons as those set forth with regard to claim 13, it is respectfully submitted that independent system claim 23, independent wireless terminal claim 29, and independent computer readable medium claim 33, and independent method claim 35 are also distinguished over Craig since each of these claims recite features corresponding to claim 13.

Similarly, the rejection of claims 24, 31, and 42 as unpatentable under 35 USC §103 in view of Craig is believed to be overcome for the same reasons as those presented above with regard to claim 13. Claims 24, 31, and 42 each recite features including profile information associated with identification information which in turn is associated with a wireless terminal and conditionally giving out current public address of the wireless terminal according to conditions given in said profile information so that address information for reaching said wireless terminal is conditionally obtainable from said name server.

All of the pending dependent claims of the present application, except claim 20, are rejected under 35 USC §103(a) in view of Craig. Each of these claims ultimately depends from an independent claim which is believed to be allowable and therefore each of these dependent claims is believed to be further distinguished over Craig.

Regarding section 8 of the final Official Action, claim 20 is rejected under 35 USC §103(a) as unpatentable over Craig further in view of US patent application publication 2006/0146820, Friedman, et al. Friedman is disclosed for disclosing a

traffic manager associated with a DNS service. However, claim 20 is believed to be distinguished over Craig in view of Friedman due to its dependency from amended claim 13 which, as indicated earlier, is believed to be allowable.

In view of the foregoing, applicant respectfully submits that the present application is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment After Final. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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